REMARKS

In the Office Action dated June 17, 2005, the Examiner rejected pending Claims 1, 2, 4, 5 and 7. Claims 1, 4 and 5 were rejected as being obvious over Richter, Jr. in view of Dome and Anderson when considering page 12 of the instant disclosure. For the reasons stated below, Applicant believes base Claim 1 to not be obvious in view of the referenced prior art.

It is improper to combine references to achieve the invention under consideration unless there is some incentive or suggestion in the references to do so. The Court of Appeals for the Federal Circuit has repeatedly held that under Section 103, teachings from various references can be combined only if there is some suggestion or incentive to do so. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F2d 1572, 221 USPQ 929 (CAFC 1984). Stated another way: It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps...The references themselves must provide some teaching whereby the applicant's combination would have been obvious. *In re Gorman*, 18 USPQ2d 1885 (CAFC 1991).

The patent to Dome discloses a single valve 50 for regulating air pressure to all four air cushions. Those skilled in the art would readily recognize that this disclosure provides a device for adding cushioning and comfort to a truck driver's bed. A single valve clearly shows that each of the cushions are to be in fluid contact with one another such that they all have essentially the same pressure. The patent to Richter shows air cushions designed to be individually pressurized. However, there is nothing in either disclosure to suggest that these patents should be combined. The purpose of the Richter patent is to provide a truck driver bed which may be moved into a reclined position such that the operator may comfortably read or write as opposed to attempting to do so on a flat bed. The patent to Dome is incapable of providing such a reclined position for the operator. Those skilled in the art will recognize that these two patents clearly serve different functions. It is

readily recognizable that these two inventions could be used in conjunction with one another, but there is no suggestion that it would be beneficial to somehow combine these two devices. Further, those skilled in the art will appreciate that the Richter patent teaches away from having air cushions at all four corners. While the device disclosed may use air cushions at the corners of one side of the device, air cushions at all four corners would not provide a means for allowing the operator to bend his knees. The Richter patent teaches that at least one air cushion should be halfway between the middle of the device and the end of the device. Applicant, therefore, believes that this would teach away from combining the Richter invention with a device that only provides air cushions at the four corners of the invention. Similar arguments may be made regarding combining the Anderson with the Richter patent.

The present invention is designed to provide a means for placing a truck driver's bed horizontal with the ground even when the truck cab is parked on an angle, such as a hill or a berm. The referenced prior art do not provide means for accomplishing this and there is nothing in them to suggest combining them with each other to solve this particular problem. Their differences in purpose teach away from combining them.

For all the above reasons, Applicant now believes that the application should be in condition for allowance and such action is earnestly solicited. If, for some reason, any other issues remain, a telephone conference with the Examiner is respectfully requested.

Respectfully submitted,

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